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CITY OF MADISON
**HOUSING
CODE**




HOUSING CODE
CITY OF MADISON, ILLINOIS

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Prepared by:

The City of Madison, Illinois with assistance from the Southwestern Illinois Metropolitan and Regional Planning Commission.

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ORDINANCE NO. 885

AN ORDINANCE REGULATING THE USE OF AND PROVIDING
MINIMUM STANDARDS FOR HOUSING WITHIN THE CITY OF
MADISON, ILLINOIS.

WHEREAS, dwellings for human occupancy are a necessity, and because the regulations which now are in force in the City of Madison, Illinois, and which apply to buildings, additions thereto, or parts thereof, that are used for dwellings are to be found in various other Ordinances and Codes, such as the Building Code, the Plumbing Code, and in other State Statutes and also in case law as set forth by the Courts of Illinois,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON, ILLINOIS, as follows:

ARTICLE I
GENERAL PROVISIONS

Section

- 1.01: INTENT AND PURPOSE: The intent and purpose of this housing code is to protect the public health, safety, comfort, morals, and the general welfare of the people of the city. These general objectives include, among others, the following specific purposes:
- (a) To protect the character and stability of residential areas within the city.
 - (b) To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings.
 - (c) To provide facilities for light and ventilation, necessary to health and safety.
 - (d) To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings or neighboring properties.
 - (e) To prevent the overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.

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- (f) To provide minimum standards for the maintenance of existing residential buildings to prohibit the spread of slums and blight.
- (g) To preserve the taxable value of land and buildings throughout the city.

- 1.011: EXISTING REMEDIES: Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.
- 1.02: APPLICABILITY: Every building or its premises used in whole or in part as a home or residence or as an accessory structure thereof, of a single family or person and every building used in whole or in part as a home or residence of two or more persons or families, living in separate apartments, shall conform to the requirements of this code, irrespective of the class to which such building may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired.
- 1.03: INTERPRETATION/CONFLICTING REGULATIONS: This code establishes minimum standards for dwelling units and accessory buildings, and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions of this code.
- 1.031: Any inconsistency or conflict between the provisions of this code and any provisions of other existing ordinances shall not repeal such provision or ordinance; but the provisions of this code shall be cumulative thereto.
- 1.04: RULES AND DEFINITIONS: For the purposes of this code, the following words and phrases shall have the meaning respectively ascribed to them by this section.

RULES: Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

ACCESSORY STRUCTURE: A detached structure subordinate to the main or principal structure and located on the same lot, the use of which is customary to the main building.

BASEMENT: That portion of a building having its floor level below the surface of the ground immediately adjoining it.

BATHROOM: A room containing bathing and sanitary facilities provided within each living unit consisting of a water closet, a tub, or shower and a lavatory; a bathroom shall afford complete privacy.

BUILDING COMMISSIONER: The official designated by the City of Madison to enforce building, zoning, or similar laws, and this code, or his duly authorized representatives.

DETERIORATION: The condition or appearance of a building or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use of, or lack of maintenance.

DWELLING UNIT: One or more rooms in a building designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

EXTERMINATION: Shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the City.

FAMILY: An individual or married couple and the children thereof and no more than two other persons related directly to the individual or married couple by blood or marriage, or a group of not more than three persons (excluding servants) not related by blood or marriage, living together as a single house-keeping unit in a dwelling unit.

FENCE: An independent structure forming a barrier at grade between lots, between a lot and a street or an alley, or between portions of a lot or lots. A barrier includes a wall or lattice-work screen but excludes a hedge or natural growth, or a barrier less than eighteen inches in height which is used to protect plant growth.

GARBAGE: The word "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

HABITABLE BUILDING: Any structure or part thereof that shall be used as a home or place of abode by one or more persons.

HABITABLE ROOM: Every room in any building in which persons sleep, eat, or carry on their usual domestic or social vocations or avocations. It shall not include private laundries, bathrooms, toilet rooms, pantries, storerooms, corridors, rooms for mechanical equipment for service in the building, or other similar spaces not used by persons frequently or during extended periods.

KITCHEN: A kitchen is a space of not less than fifty square feet, which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment and for the storage of cooking utensils.

MULTIPLE FAMILY DWELLING: A building or portion thereof designed or altered for occupancy by more than one family, each living independently of the other.

OCCUPANT: Any person (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

OWNER: Any person, firm or corporation who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling unit within the city as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder, and such person shall be bound to comply with the provisions of this chapter to the same extent as the owner.

OPERATOR: Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

ORDINARY MINIMUM WINTER CONDITIONS: Shall mean the temperature 15° F. above the lowest recorded temperature for the previous ten year period.

PERSON: The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or association, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of such section.

PLUMBING: All of the following facilities and equipment: Gas pipes, gasburning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures, together with all connections to water, sewer, or gas lines.

PROVIDED: Any material furnished, supplied, paid for or under the control of the owner.

PUBLIC HALL: A hall, corridor or passageway for egress from a dwelling not within the exclusive control of one family.

ROOMING UNIT: Shall mean any room or group of rooms from a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

REPAIR: To restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

REPLACE: To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is incapable of repair.

RUBBISH: The word "rubbish" means nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

STRUCTURE: Anything constructed or erected which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground. A sign or other advertising medium, detached or projecting, and fences and free-standing walls shall be construed to be a structure.

SUBSTANDARD: All buildings used for purposes of human habitation which do not conform to the minimum standards established by this code and by any other ordinances.

SUPPLIED: Shall mean paid for, furnished, or provided by or under the control of, the owner or operator.

TEMPORARY HOUSING: Shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.

YARD: An open space at grade on the same lot as a building or structure located between the main building and the adjoining lot line, and/or street line. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

ARTICLE II
GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY
MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

Section

- 2.01: MINIMUM STANDARDS FOR DWELLING AND FAMILY UNITS GENERALLY: It shall be unlawful for any person to occupy as owner-occupant or to let or hold out to another for occupancy any dwelling unit for the purposes of living therein which is not safe, clean, and fit for human occupancy, and which does not comply with the particular requirements of the following sections of this Article.
- 2.02: BASEMENTS AND CELLARS: Every basement and every cellar shall be maintained in a safe and sanitary condition. Water shall not be permitted to accumulate or stand on the floor. All sewer connections shall be properly trapped. All cellar and slab drains shall be covered with grating. Junk, rubbish and waste shall not be permitted to accumulate to such an extent as to create fire hazards or to endanger health or safety.
- 2.03: FACILITIES, EQUIPMENT AND CHIMNEYS: Every supplied facility, fixture, system, piece of equipment or utility, and every chimney and chimney flue shall be installed, and maintained in a safe, sound and sanitary working condition, consistent with the requirement of this Code.
- 2.04: FLOORS, INTERIOR WALLS AND CEILINGS: Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of holes and cracks. Every floor shall be free of loose, warped, protruding or rotting floor boards. Every interior wall and ceiling shall be free of holes and large cracks and shall be maintained in a tight weather-proof condition. Every interior wall and ceiling shall be free of loose plaster or other structural material. Plaster, paint and all other surface materials shall be of such character as to be easily cleanable, and shall be reasonably smooth, clean and tight. Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition.
- 2.05: FOUNDATIONS, EXTERIOR WALLS AND ROOFS: The foundation, exterior walls and exterior roof shall be substantially watertight and protected against rodents and shall be kept in sound condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be free of

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deterioration holes, breaks, loose or rotting board or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the dwelling. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All cornices, rustications, quoins, moldings, belt courses, lintels, sill, oriel windows, pediments and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous and dangerous.

- 2.06: GRADING AND DRAINAGE OF LOTS: Every yard, court, vent passageway, driveway, and other portion of the lot on which the dwelling stands shall be graded and drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good repair and free of safety hazards.
- 2.07: INFESTATION: Each dwelling and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation. Building defects which permit the entrance of rats, mice, termites and other vermin shall be corrected immediately by the owner. Tenants shall be responsible for the elimination of rodents and vermin from that part of the premises under their exclusive control except when more than one unit is infested at the same time and in this instance the owner shall be responsible for elimination of the infestation.
- 2.08: WINDOWS, DOORS AND HATCHWAYS: Every window, exterior door, and basement hatchway shall be substantially tight, and shall be kept in sound condition and repair. Every window shall be fully supplied with window panes which are without cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware. Every exterior floor, door hinge, and door latch shall be in good condition. Every exterior door, when closed shall fit reasonably well within its frame. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as completely to exclude rain, and substantially to exclude wind from entering the dwelling. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the building.
- 2.09: SCREENS: Screens shall be supplied to the following extent:
- (1) Every basement or cellar window which is openable shall be supplied with a framed heavy wire screen or hardware cloth of not less than four mesh per inch which fits tightly and is securely fastened to the frame, or with any other material affording equivalent protection against the entry of rodents.

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- (2) From April fifteenth to November fifteenth of each year, every door opening directly from any family unit to the outdoors, and every window or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen mesh per inch and every screen door shall have a self-closing device in good working condition. However, no such screen shall be required for a family unit on a floor above the fourth floor, except when unusual circumstances of insect prevalence exist.

- 2.10: BROKEN GLASS AND BOARDING-UP: Every window, glazed exterior door, exterior transom, or exterior sidelight shall be provided with properly installed glass or other approved glazing material. In the event of breakage, the owner shall cause the immediate removal of broken glass from the premises and shall temporarily board-up the affected openings with suitable material to provide protection from the elements and to prevent entry of insects, birds or animals and to provide security to occupants or contents of the building.
- 2.1001: Adequate ventilation and natural lighting shall be provided for all occupied dwelling units. Whenever any exterior openings are found boarded-up, it shall be the duty of the Building Commissioner to notify the owner or agent of this requirement giving him a period of not more than 10 working days in which to properly replace the broken glass or cause the dwelling unit to be vacated. This notice shall be given in the manner required by Section 6.04 and it shall be unlawful for any owner or agent to fail to comply with the order of the Building Commissioner contained in such notice.
- 2.1002: Since the presence of boarded-up buildings, particularly those where the boarding is unpainted or applied in an insecure, careless, or unpresentable fashion invites vandalism, and creates a blighting influence which adversely affects the general welfare of the people of this city, it is hereby required that all boarding-up of exterior openings be accomplished in a neat workman like manner with not less than 1/2 inch thick weather-resistant plywood cut to fit within openings, fastened in place as securely as possible, and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the building as inconspicuously as possible. It shall be the duty of the Building Commissioner to notify the owner or agent of any boarded-up dwelling unit not complying with the above requirements, of the necessity of compliance giving him a period of not more than 10 working days in which to replace the the broken glass, or re-

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pair, replace or paint the boarding. This notice shall be given in the manner required by Section 6.04 and it shall be unlawful for any owner or agent to fail to comply with the order of the Building Commissioner contained in such notice.

- 2.11: STAIRWAYS AND PORCHES: Every stairway, inside or outside of the dwelling, and every porch, shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. Every stairwell and every flight of stairs which is more than four risers high shall have rails not less than two and one-half feet high, measured vertically from the nose of the tread to the top of the rail; and every porch which is more than four risers high shall have rails not less than two and one-half feet above the floor of the porch. Every rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled more than one inch out of its intended position or have pulled away from supporting or adjacent structures. No flight of stairs shall have rotting, loose or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred pounds without danger of breaking. Every porch shall have a sound floor. No porch shall have rotting, loose, or deteriorating supports.
- 2.12: YARDS: Yards shall be provided with adequate lawn, ground cover of vegetation, hedges or bushes, equal to at least 10% of the total lot area. All areas which are not covered by vegetation shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

ARTICLE III
SPACE AND OCCUPANCY REQUIREMENTS

Section

3.01: SPACE REQUIREMENTS GENERALLY; CEILING HEIGHTS; SLEEPING ROOMS:

No person shall occupy or let to another for occupancy any dwelling unit for the purpose of living therein which does not comply with the following requirements:

- (a) Each dwelling unit shall contain the habitable rooms and closets designated below with the minimum floor areas and least dimensions as scheduled below:

Name of Space	Minimum Area in Square Feet			Least Dimensions (applied to 90% of required floor area)
	1 to 2 Occupants	3 to 5 Occupants	6 or more Occupants	
Living Room	N.R.	120	150	10'-0"
Dining Room	N.R.	80	100	7'-8"
Kitchen	50	50	60	3'-0" clear passage
Bedrooms (see paragraph b below for requirements)				7'-0"
Closets (total)	10*	20*	30*	

*Each bedroom must have 6 square feet of closet space opening into the bedroom.

- (b) Every room occupied for sleeping purposes by one occupant shall have a minimum floor area of 70 square feet; every room occupied for sleeping purposes by two occupants shall have a minimum floor area of 100 square feet, and every room occupied for sleeping purposes by three occupants shall have a minimum floor area of 150 square feet.
- (c) Every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.
- (d) Every room used as a bedroom shall have access to at least one water closet located on the same floor as the bedroom; except that this requirement shall not apply to the only bedroom on a floor.
- (e) Habitable rooms shall have a clear ceiling height of not less than seven feet and four inches (7'4") except that in attics or top-half stories the ceiling height shall be not less than seven feet (7'0") over not less than one-third (1/3) of the area when used for sleeping, study or similar activity. In calculating the floor area of such rooms only those portions of the floor area of the room having a clear ceiling height of five feet (5'0") or more may be included.

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- (f) Combined living room - dining room spaces will be construed as meeting the requirements of this section if the total area is equal to that required for separate rooms and if the space is so located that it may function as a combination living room - dining room.

3.02: BASEMENT ROOMS: It shall be unlawful for any person to use or permit any room in any basement to be used to satisfy the habitable room requirements of Section 3.01 unless such basement meets all the applicable requirements of this Article, particularly with regard to ceiling height, window area, and toilet facilities, and meets the following additional requirements:

- (a) The lowest point of the ceiling shall be at least 3 feet 6 inches above the surface of the ground immediately adjoining the room.
- (b) The required minimum window area is entirely above ground level.
- (c) The floors and walls shall be constructed in a manner to prevent the entry of moisture and so insulated so as to prevent the condensation of moisture within the room.

ARTICLE IV
MINIMUM STANDARDS FOR LIGHT AND VENTILATION

Section

- 4.01: ILLUMINATION: A minimum of five foot-candles of daylight or artificial illumination shall be required at all times in all public halls. All habitable rooms, passageways and stairways shall be provided with electric fixtures so that they can be adequately lighted at night.
- 4.02: NATURAL LIGHTING: All habitable rooms except as otherwise provided in this chapter, shall be provided with a means of transmitting natural light from outside complying with the following requirements.
- 4.021: The required clear glass area shall not be less than one-tenth of the floor area of such room and not less than ten square feet. The effective area shall be computed at not more than eighty percent of the actual area when a required natural light area:
- (a) Faces a wall or other obstruction at a distance of less than ten feet; or
 - (b) Is located below a roof or other obstruction projecting more than four feet from the face of the window or other natural light area from the plane from the head to the outside of such projection forms and angle with the horizontal of less than forty-five degrees.
- 4.022: Whenever a habitable room has natural light area opening from the room to an enclosed porch, such area shall not be counted as a required light area unless the enclosed porch has a natural light area of not less than three times the required light area opening from the room to the porch.
- 4.03: VENTILATION REQUIREMENTS: Every habitable room shall have a ventilation system adequate for the purpose for which the room is used. Natural ventilation shall be deemed to be adequate for a habitable room when the total area openable to the outside air (by means of windows, louvers, monitors or other direct openings excluding doors) is five percent of the floor area of the habitable room, except that when:
- (a) Any portion of the room is more than sixteen feet from a required opening, the aggregate clear area of openings shall be not less than six percent.
 - (b) A room has openable areas on two or more sides thereof, the total openable area shall be at least four percent of the total floor area of such room.
 - (c) The openable area faces a wall or other obstruction at a distance of less than ten feet, the effective area shall be computed at not more than eighty percent of the actual openable area.

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- (d) The openable area opens onto an enclosed porch, the enclosed porch shall have an openable area of at least three times the total required area of the openings onto such porch.

- 4.031: KITCHEN WITH FLOOR AREA OF LESS THAN SEVENTY SQUARE FEET: A kitchen with a floor area of less than seventy square feet may be without either mechanical or natural ventilation if there is an opening of not less than thirty-two square feet between the kitchen and another room in the same family unit and if the room into which the kitchen opens has the ventilation requirements of the preceding paragraphs.
- 4.032: TOILET AND BATHROOM VENTILATION: Every toilet room and bathroom shall have adequate ventilation which may be either an openable window with an openable area of five percent of the floor area, mechanical ventilation in compliance with the foregoing requirements of this section, or a gravity vent flue constructed with incombustible material leading to the roof of the building or a combination of any of these. The gravity vent shall be computed at an aggregate clear area of not less than five percent of the floor area of the room with a minimum area of at least one hundred and twenty square inches. Gravity vents shall be provided with a weather cap, directional vane or rotary type ventilation on the roof.

ARTICLE V
MINIMUM STANDARDS FOR BASIC
REQUIREMENT AND FACILITIES

Section

- 5.01: ELECTRICAL SERVICES: It shall be unlawful to occupy or permit another to occupy any dwelling unit for the purpose of living therein, which is not adequately and safely provided with an electrical system in compliance with the requirements of this section.
- 5.02: MINIMUM REQUIREMENTS: The following shall be considered as absolute minimum requirements. Conditions such as size of the dwelling unit and usage of appliances and equipment within the unit shall be used as the basis for requiring additional electrical works.
1. Every dwelling unit in a single family or two-family building shall be served by a main service not smaller than 100 ampere, 3 wire.
 2. Every habitable room shall contain not less than two (2) wall or approved floor convenience outlets.
 3. Every laundry area shall contain at least one grounded type convenience outlet.
 4. Every bathroom, laundry room, furnace room, and public hall shall contain not less than one ceiling or wall lighting fixture.
 5. Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- 5.03: HAZARD: Wherever it is found, in the judgment of the Building Commissioner, that the electrical system in the building constitutes a hazard to the occupants or the building by reason or inadequate service, improper fusing, improper or inadequate grounding of the system, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be corrected to eliminate the hazard. The Building Commissioner shall base his findings of hazard on accepted engineering practice standards as listed in Appendix B of the latest edition of the BOCA Basic Building Code.

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1. In addition to the hazards established by the Building Commissioner, the following installations are prohibited and their presence shall be deemed a hazard:
 - (a) Flush or semi-flush mounted floor convenience outlets, unless provided with an approved water-proof cover.
 - (b) Extension cords for other than short term, temporary use.
 - (c) Conductor supported pendant switches or conductor supported pendant light fixtures.
 - (d) Loose or hanging wires.
 - (e) Frayed or bare wires.
 - (f) Inadequately grounded, grounded type convenience outlets.

- 5.04: REFUSE, GARBAGE AND RUBBISH STORAGE REQUIREMENTS: Every dwelling unit shall have adequate refuse, garbage or rubbish storage facilities.
- 5.05: HEATING: Every dwelling unit shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its wall to a temperature of at least seventy degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. Gas appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section. Portable heating equipment employing flame and the use of liquid fuels does not meet the requirements of this section and is prohibited. The owner may require that the occupant shall provide the required heating facilities at the occupant's expense but such agreement or requirement does not relieve the owner from responsibility for the presence of such heating equipment for the unit.
- 5.051: Every owner, agent and manager of any apartment house, hotel, rooming house, flat or other building whatsoever who leases, rents or lets one or more dwelling units on terms, either express or implied, to furnish heat to the tenants or occupants thereof, shall, and is hereby directed to, maintain during the months of October, November, December, January, February, March, April and the first fifteen days of May of each year sufficient heat in the rooms so occupied as living quarters to produce a temperature of not less than seventy degrees Fahrenheit during the hours between 6:30 a.m. and 10:30 p.m. of each day, and shall maintain a temperature of not less than sixty degrees Fahrenheit during the other hours of the day, except that when the outside temperature drops below 0°F and the heating plant

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is operating at its full capacity, a minimum inside temperature of 60°F shall be maintained at all times, and it shall be the duty of every janitor, fireman or other employee who shall assume or engage in employment to operate the furnace or heating plant of any such apartment house, hotel, rooming house, flat or other building aforesaid to maintain such heat as aforesaid and as in this article defined and set out.

- 5.06: WATER HEATING FACILITIES: Every dwelling unit shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of this code and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°F. Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of sections of this Article are not in operation.
- 5.601: Every owner, agent, and manager of any apartment house, hotel, rooming house, flat or other building whatsoever who leases, rents, or lets one or more dwelling units on terms, either expressed or implied, to furnish hot water to the tenants or occupants thereof, shall, and is hereby directed to, provide an adequate amount of water at all times at every required kitchen sink, lavatory basin, bath tub or shower at a temperature of not less than 120 degrees Fahrenheit.

ARTICLE VI
ADMINISTRATION AND ENFORCEMENT

Section

- 6.01: ENFORCEMENT OFFICER: It shall be the duty and responsibility of the Building Commissioner to enforce the provisions of the Housing Code as herein provided.
- 6.011: COORDINATION OF ENFORCEMENT: Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the Building Commissioner. Wherever, in the opinion of the Building Commissioner, it is necessary or desirable to have inspections of any condition by any other department he shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this code shall be issued without the approval of the Building Commissioner, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.
- 6.012: ADMINISTRATIVE LIABILITY: Except as may otherwise be provided by statute or ordinance, no officer, agent or employee of this municipality charged with the enforcement of the Housing Code shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this code. No person who institutes or assists in the prosecution of a criminal proceeding under this code shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this code, shall be defended by the legal representative of this municipality until the final determination of the proceedings therein.
- 6.013: INSPECTIONS: The Building Commissioner shall make or cause to be made inspections to determine the conditions of dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety, morals, and welfare of the public under the provisions of this code. The Building

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Commissioner is authorized to enter any dwelling, dwelling unit, multi-family dwelling, rooming house, or premises at any reasonable time for the purpose of performing his duties under this code. The owner, operator, or occupant of every dwelling, multi-family dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the Building Commissioner free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

- 6.02: OCCUPANCY PERMIT REQUIRED - OCCUPANCY: It shall be unlawful for any person, firm, or corporation to hereafter occupy or for any owner or agent thereof to permit the occupation of any building, or addition thereto, or part thereof, for any purpose until a Certificate of Occupancy has been issued by the Building Commissioner. A Certificate of Occupancy SHALL NOT be issued until an inspection has been conducted by the Building Commissioner of the dwelling unit for which said certificate of occupancy has been requested. The Certificate of Occupancy so issued shall state that the occupancy complies with all the provisions of this Article. This section shall not apply to any occupancy in existence at the time of the adoption of this ordinance.
- 6.021: UTILITIES: It shall be unlawful for any person, firm, or corporation that provides a utility service, such as gas, water, electricity, etc., to provide its service to any building, or addition thereto, or part thereof, that is to be used as a dwelling unit until a Certificate of Occupancy has been issued by the Building Commissioner and presented to said utility service. This section shall not apply to any occupancy in existence at the time of adoption of this ordinance.
- 6.022: TEMPORARY OCCUPANCY PERMIT REQUIRED: Any person, firm or corporation that provides a utility service, such as gas, water, electricity, etc., may provide its services to any building, or addition thereto, or part thereof, that is to be used as a dwelling unit for the purposes of repairing, enlarging, remodeling, rebuilding, building, or any other type of work which is required to make the structure acceptable under this ordinance, if a Temporary Certificate of Occupancy has been issued by the Building Commissioner and presented to said utility service, said certificate when issued shall state the building, or addition thereto, or part thereof for which it is issued, the type of utility services that may be provided, the period of time that it is valid for, and the reason for such permit. A Temporary Certificate of Occupancy SHALL NOT be issued until an inspection has been conducted by the Building Commissioner of the dwelling unit for which said temporary certificate of occupancy has been requested.

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- 6.03: FEE - OCCUPANCY PERMIT: The fee for said occupancy permit shall be Two Dollars (\$2.00) for each dwelling unit occupied.
- 6.031: TEMPORARY OCCUPANCY PERMIT: The fee for said temporary occupancy permit shall be Two Dollars (\$2.00) for each dwelling unit.
- 6.032: INSPECTION: The fee for inspection by the Building Commissioner of each such dwelling unit upon which an occupancy permit or temporary occupancy permit has been requested shall be Fifteen Dollars (\$15.00). There shall be no additional inspection fees when a holder of a valid temporary occupancy permit requests an occupancy permit, even if said permit is issued after the expiration of the valid temporary occupancy permit.
- 6.033: It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy permit or temporary occupancy permit as to the names, ages, relationships, or numbers of occupants who will occupy the premises or the reasons for which the respective permits are requested.
- 6.04: EMERGENCY MEASURES: When any dwelling unit has become so damaged by fire, wind, or other causes, or has become so unsafe, unhealthful or unsanitary, that in the opinion of the Building Commissioner life or health is immediately endangered by the occupation of the dwelling unit, the Building Commissioner is hereby authorized and empowered to revoke without notice any occupancy permits for such dwelling units and to order and require the occupants to vacate the same forthwith and to order the owner or agent to proceed immediately with the corrective work and repairs required to make the dwelling unit temporarily safe and fit for human habitation, whether or not a notice of violation has been given as described in this Article, and whether or not legal procedures described by City Ordinances have been instituted. It shall be unlawful for any person to fail to comply with any emergency order of the Building Commissioner.
- 6.05: NONCOMPLIANCE - NOTICE TO BE GIVEN: Whenever the Building Commissioner determines there are reasonable grounds to believe there has been a violation of any provision of this Code, he will give notice of such alleged violation to the person or persons responsible therefor which shall:
- a) Be in writing;
 - b) Contain a statement of the reason why it is being issued;
 - c) Allow a reasonable time for the performance of any act it requires;
 - d) Be served upon the owner or his agent, or the occupant, as the case may require. Such notice shall be deemed to

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be properly served upon such owner or agent, or on any such occupant, if a copy thereof is:

1. Served upon him personally, or
2. Sent by registered mail to his last known address, or
3. Posted in a conspicuous place in or about the dwelling affected by notice.

e) Contain an outline of remedial action which if taken will effect compliance with the provisions of this Code.

- 6.06: PLACARD ON BUILDING: The designation of dwelling units as unfit for human habitation and the procedure for such declaration and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:
- 6.061: Any dwelling or dwelling unit which shall be found to have any of the following defects shall be declared unfit for human habitation and shall be so designated and placarded by the Building Commissioner when the person responsible has failed to correct the condition set forth in a notice issued in accordance with Section 6.05.
- 6.062: One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public, or
- 6.063: One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public, or
- 6.064: One which because of its general condition or location is unsanitary, or otherwise dangerous, to the health or safety of the occupants or of the public.
- 6.07: BUILDING TO BE VACATED: Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building Commissioner, shall be vacated within a reasonable time as ordered by the Building Commissioner.
- 6.071: No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard removed by, the Building Commissioner. The Building Commissioner shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- 6.08: UNLAWFUL TO REMOVE PLACARD: No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned

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as unfit for human habitation and placarded as such, except as provided in the preceding paragraph.

- 6.09: RIGHT OF APPEAL: Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Appeals under the procedure set forth in this Code.
- 6.10: NONCOMPLIANCE WITH CODE - REMEDY OF DEFECTS: The owner of any building shall have thirty days from the issuance of the notice provided for in Section 6.05 in which to remedy the condition therein specified, except when emergency conditions shall require immediate action as provided in Section 6.04, provided, however, that the Building Commissioner may, at his discretion, extend the time for compliance with any such notice. It shall be unlawful for any person to fail to comply with any order of the Building Commissioner contained in the notice described in Section 6.05.
- 6.11: CONDEMNED BUILDINGS: If any building covered by this Code shall be found to be unfit for human habitation, and the cost of repair or alteration shall be deemed prohibitive by the Building Commissioner, then he shall condemn such building and proceed with its removal as in all other cases of condemned buildings.
- 6.12: VACATED DWELLINGS TO BE MADE SECURE: The owner of every building or dwelling unit or rooming unit which is declared "unfit for human habitation" for continued occupancy shall make the dwelling, building or rooming unit safe and secure under the terms so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and a public nuisance within the meaning of this provision.
- 6.13: NONCOMPLIANCE WITH ARTICLE - TRANSFER OF OWNERSHIP OF NONCOMPLYING BUILDINGS: It shall be unlawful for the owner of any dwelling unit who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the grantee, transferee, mortgagee, or lessee a true copy of any compliance or notice of violation, issued by the Building Commissioner and shall furnish to the Building Commissioner a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully

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accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

- 6.131: VIOLATIONS: PENALTIES: Any person, firm or corporation violating any of the provisions of this Code, shall upon conviction thereof, be subject to a fine of no less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). For purposes of this ordinance the occupant, renter, or lessee shall be considered and deemed separate and independent from the owner, lessor, or landlord, unless they be one and the same for the said dwelling unit on the day of the violation, and shall each separately and independently be subject upon conviction to a fine. Each day of the continued violation shall constitute a separate additional violation. Nothing herein shall limit any other right or remedy of the City or other person in interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction.

ARTICLE VII
BOARD OF APPEALS

Section

- 7.01: JURISDICTION OF BOARD OF APPEALS UNDER CODE: The Board of Appeals under the Building Code (Ordinance 875) shall have jurisdiction under this Article to hear and decide appeals where it is alleged by any aggrieved person that there is error in any order, requirement, decision or determination made by the Building Commissioner or any other person charged with the enforcement of this code.
- 7.02: JURISDICTION; AUTHORITY OF BOARD TO MAKE REPAIRS: If the owner fails to comply with the notice issued by the Building Commissioner under this code, then and in such event the Building Commissioner shall certify such failure to the Board of Appeals, said board is authorized and may direct the Building Commissioner to take such action as may be necessary to repair, replace, rebuild, or otherwise remedy the conditions specified in the notice. If the Board of Appeals proceeds to order the condition remedied, then the cost thereof shall be at the expense of the owner. The costs shall be submitted to the owner or owners of the property; if the costs are not paid within sixty days after rendered, then the Board of Appeals shall certify the amount to the City Attorney for appropriate action.
- 7.03: PROCEDURE FOR FILING APPEALS: Any appeal herein shall be taken within thirty days after the decision is rendered by filing with the Building Commissioner a notice of appeal, specifying the grounds therefor, and by depositing with such Building Commissioner the sum of One Hundred Dollars (\$100.00) as an appeal fee. The Building Commissioner shall forthwith submit to the Board a copy of this notice of appeal together with all the papers constituting the record upon which the action appealed from is taken.
- 7.04: APPEAL--TO STAY PROCEEDINGS OF ACTION APPEALED FROM; EXCEPTION: An appeal pursuant to Section 7.03 shall stay all proceedings in furtherance of the action appealed from, unless the Building Commissioner or Health Commissioner shall certify to the Board of Appeals, subsequent to the filing of any notice of appeal, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by the order of any court of competent jurisdiction.
- 7.05: APPEAL; INFORMATION TO BE FURNISHED TO BOARD OF APPEALS: It shall be the duty of the Building Commissioner and the Health Commissioner to furnish the Board of Appeals, upon request, with copies of reports of any or all inspections made by such officers in the matter on appeal and to furnish such other information as may be available to them and request by the Appeal Board.

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- 7.06: APPEAL--NOTICE AND HEARING: The Board of Appeals shall fix a time and place for the hearing of appeals. Such hearing shall be within a reasonable time after the filing of the notice of appeal. Notice of the time and place of hearing shall be sent by mail to the appellant or to his attorney of record, and such hearing shall not be less than ten days after the mailing of the notice.
- 7.07: SAME--ACTION AND DECISION OF BOARD GENERALLY: In exercising the powers enumerated in this code, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made. The Board of Appeals shall act by majority vote and a quorum shall consist of at least three members. The action of the Board shall not become effective until after the resolution of the Board setting forth the reason for its decision and the vote of each member participation therein has been included in the minutes. Such resolutions, immediately following the Board's final decision, shall be filed in the office of the Board and shall be open for public inspection.
- 7.08: POWERS OF BOARD TO BE IN ADDITION TO THOSE CONFERRED UNDER BUILDING CODE: The powers granted by this code to the Board of Appeals shall be in addition to those conferred upon it by the City of Madison Building Code.
- 7.09: REVIEW OF DECISIONS OF BOARD: Any decision of the Board under this chapter shall be subject to review by any court of competent jurisdiction.
- 7.10: APPEAL FEE DISPOSITION: If a decision appealed from is affirmed, the appeal fee previously deposited by appellant shall be forfeited, and the money shall be paid into the city treasury. If the decision appealed from shall be reversed or modified, then such appeal fee shall be refunded to appellant.

ARTICLE VIII
ADOPTION SEPARABILITY

Section

- 8.01: PUBLICATION: That this ordinance shall be printed and published in pamphlet form by the City Clerk.
- 8.02: EFFECTIVE DATE: That this ordinance shall be in full force and effect ten (10) days after its passage, approval by the Mayor, and publication thereof in pamphlet form as provided in the foregoing Section.
- 8.03: SEPARABILITY: If any provision of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or invalid for any reason by any court of competent jurisdiction, the remainder of the ordinance and the application of such provisions to other persons and circumstances shall not thereby be rendered invalid or unconstitutional or affected thereby but shall remain in full force and effect.

PASSED BY THE CITY COUNCIL OF THE CITY OF MADISON, ILLINOIS this 2nd day of January, A.D., 1974.

APPROVED BY THE MAYOR OF THE CITY OF MADISON, ILLINOIS, this 2nd day of January, A.D., 1974.

UNIVERSITY OF ILLINOIS-URBANA



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